



SDMS DocID 2089167

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

May 20, 2003

Donald W. McLeod
Director, Operations
Glen Springs Holdings, Inc.
2480 Fortune Dr., Ste. 300
Lexington, KY 40509

Re: Occidental Chemical Corporation NPL Site

Dear Mr. McLeod:

This letter is to inform OxyChem, Inc. that, pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9604(e), the United States Environmental Protection Agency ("EPA") is prepared to conduct dioxin sampling in the NE and SE lagoons at the Occidental Chemical Corporation NPL Site ("Site"), as outlined in my November 30, 2002 letter to you. In your December 20, 2003 e-mail to me, you stated that OxyChem would not perform the extent of dioxin sampling described in my November 30, 2002 letter because dioxin is not a contaminant of concern in the Administrative Order; because OxyChem disagrees with EPA's assessment of a reasonable scenario and pathway for a release of dioxins as a result of the three fires that occurred during Oxychem's implementation of the LTТА pilot system; and because of the cost associated with EPA's proposed sampling.

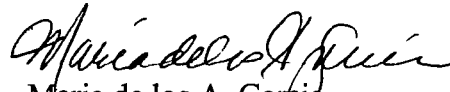
EPA has determined that this sampling is appropriate because, based on the analysis provided by Terry Lyons of EPA's Office of Research and Development ("ORD"), there is a reasonable basis to believe that the PVC sludge in the lagoons may contain dioxin compounds as a result of the baghouse fire incidents during the LTТА pilot study. EPA's proposed approach to the sampling is reasonable in light of the size and volume of the lagoons. The many problems that emerged during the operation of the LTТА pilot system and the lack of specific information about the extent of any releases of hazardous substances during the pilot study leave us with sampling as the only viable way to clarify this issue. While dioxin is not a contaminant of concern in the Administrative Order, clarification of this issue is important because if dioxins were released at the Site as a result of the baghouse fires and are present in the lagoons, the implementation of the remedial action in the lagoons will be affected.



The sampling activity will proceed in the manner described in my November 30, 2002 letter and will be conducted by Tetra Tech, Inc., an EPA contractor who is familiar with the Site. Pursuant to Section 104(e)(3) of CERCLA, EPA will be contacting OxyChem in the near future to request access to the Site to conduct the dioxin sampling activity. Please let me know if OxyChem will be interested in taking split samples.

If you have any further questions, do not hesitate to contact me at 215-814-3199, or have your attorney contact EPA Assistant Regional Counsel, Robert Hasson at 215- 814-2672.

Sincerely,

A handwritten signature in cursive script, appearing to read "Maria de los A. Garcia".

Maria de los A. Garcia
Remedial Project Manager

cc: Anthony Dappolone, EPA
Robert Hasson, EPA
Dave Minsker, PADEP